IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11830 of 2004

Between:

M/s. Sravan Kumar Traders (General Merchants and Commission AGents), Eluru Bazar, Guntur rep by Proprietor Alapati Srinivasa Rao S/o Suryanarayana R/o Guntur, Guntur District

..... PETITIONER

AND

The Assistant Provident Fund Commissioner, & Authority U/s. 7A of the EPF & MP Act, 1982,
Sub-Regional Officer, Padmavathi Buildings, Laxmipuram, Guntur-522007, Guntur

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing the impugned proceedings rejecting the review petition filed by the petitioner firm vide proceedings No. AP/SRO/GNT/39804/Enf-I/2004/2208 dated 13-1-2004 without giving opportunity as arbitrary, illegal and unconstitutional and to set a side the same and consequently direct the respondent to pass appropriate order only after giving the opportunity to the petitioner firm

Counsel for the Petitioner: MR.RAMA RAO GANTA

Counsel for the Respondent: MR.R.N.REDDY

The Court made the following :

ORDER:

The petitioner's establishment was assessed by the respondent under Section 7A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1982 (for short 'the Act') by order dated 29-4-2003. Aggrieved by the same, the petitioner sought for a review under Section 7B of the Act by raising several grounds. By the impugned order dated 13-1-2004, the petitioner's request for review was rejected with a direction to remit the amount as assessed under Section 7A of the Act immediately. Questioning the same, the present writ petition is filed.

It is submitted by the learned counsel for the petitioner and admitted to by Mr. R.N.Reddy, learned Standing Counsel appearing for the respondent that the subject matter of this writ petition is squarely covered by the judgement of this Court in W.P.No.11915 of 2003 dated 24-6-2003, wherein it was held that it would be appropriate for the authority to entertain the review and dispose of the same after affording an opportunity to the parties.

In the circumstances, following the said judgment and for the reasons mentioned therein, the impugned order dated
13-1-2004 of the respondent rejecting the review application of the petitioner is set aside. The respondent is hereby directed to consider the matter afresh after affording an opportunity to the parties and pass appropriate orders.

The writ petition is accordingly allowed.

12-7-2004

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To

1. The Assistant Provident Fund Commissioner, & Authority U/s. 7A of the EPF & MP Act, 1982,
   Sub-Regional Officer, Padmavathi Buildings, Laxmipuram, Guntur-522007, Guntur

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